

## Notice of Allowability

Application No.

09/538,475

Examiner

Thu Khanh T. Nguyen

Applicant(s)

TOKITA, MASAO

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1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on June 9, 2004.
2. ☒ The allowed claim(s) is/are 23-41.
3. ☒ The drawings filed on 30 March 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 2/09/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows: cancel claims 1-10.

#### *Allowable Subject Matter*

2. Claims 23- 41 are allowed over the prior art of record.
3. The following is a statement of reasons for the indication of allowable subject matter:  
  
Kato et al (6,227,836) disclose an apparatus for forming tablets, comprising a mold conveyor system (3) for supporting and conveying the mold with a lower press core fitted in the mold bores (Fig. 3F, 16, 17), a rotary powder filling mechanism (2) located at a powder filling position along a transportation path of the conveyor system (Figs. 2 & 7), a press unit (14) with an upper and lower press member (16, 17) for compacting the powder material. Wherein the filled mold is conveyed out of the powder filling position and a new mold with no powder material being loaded is conveyed to the powder filling station (col. 2, lines 35-49).

In regard to claims 23-32, Kato et al **fail** to teach or suggest an apparatus for automatically loading a desired amount of powder material into a mold having a mold conveyor system comprises a guide rail, a carrier movable along the guide rail capable of supporting for vertical displacement the mold with the lower press core fitted in the bore of the mold; a powder

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filling system comprises a hopper located above a transportation path of the carrier and a strickle mechanism to level of a top surface of the mold; and a press unit with upper and lower press.

Kato et al also **fail** to teach or suggest an apparatus for automatically loading a desired amount of powder material into a mold having a mold conveyor system including a guide rail, a movable base moved along the guide rail and having a number of holes formed therein and arranged inline, each of the holes being adapted to be aligned with the bore of the mold; a stop member attached to the movable base for limiting upward displacement of the mold; and a drive unit for driving the movable base.

In regard to claims 33- 41, Kato et al **fail** to teach or suggest a powder filling mechanism, comprising a support plate having a top surface and a hole for receiving an upper end of the mold, wherein the upper end of the mold is fitted in the hole without any substantial clearance therebetween; and wherein the top surface of the support place being **flush** with the top surface of the mold at the filling position; a hopper with a bottom surface contacted with the top surface of the support plate; wherein the hopper having a bottom opening for dispensing powder material, which opens at the bottom surface and has a size equal to or greater than that of the top opening of the bore of the mold; and wherein the hopper is movable across the top surface of the support plate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Khanh T. Nguyen whose telephone number is 571-272-1136. The examiner can normally be reached on Monday- Friday, 6:30-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TN



ROBERT DAVIS  
PRIMARY EXAMINER  
GROUP 1300 / 700

8/23/04